REMARKS

Claims 144, 156-168, and 170-210 are pending. Claims 144, 156-168, 170-181 and 184-199 have been amended. Claims 145-155 have been cancelled. New claims 200-231 have been added. Support for the amendments can be found, for example, at page 27, lines 26-35, page 28, lines 6-10, page 38, lines 11-21. No new matter has been added.

The specification has also been amended to obviate the Examiner's objections. No new matter was added.

Applicants also thank the Examiner for the interview on December 8, 2003. Applicants agree with the Examiner's interview summary dated December 15, 2003, except that it was Applicants understanding that agreement with regard to the claims and Israeli et al. had been reached.

Claim Objections

Claims 145, 147, 149, 151, 153 and 155 are "objected to under 37 CFR 1.75(c), as being of improper dependent form." These claims have been amended, thereby obviating this objection.

Rejection of Claims 145 and 151 Under 35 U.S.C. §112, second paragraph

Claims 145 and 151 are rejected under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Claims 145 and 151 have been amended, thereby obviating this rejection.

Rejection of Claims 144, 145, 147- 151, and 153-183Under 35 U.S.C. §112, first paragraph

Claims 145, 147, 149, 151, 153 and 155 are rejected under 35 U.S.C. §112, first paragraph, "as containing subject matter which was not described in the specification in such a

way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Claims 145, 147, 149, 151, 153 and 155 have been amended, thereby obviating this rejection.

Claims 144-145, 148-151, and 154-183 are also rejected since "applicants do not state that all restrictions upon public access to the deposits will be irrevocably removed upon grant of a patent on this application and that the deposits will be replaced if the depository cannot dispense the vials."

The claims, as amended, no longer refer to the deposited hybridomas. Thus, the amendments to the claims obviate this rejection.

Rejection of Claims 144-173, and 178-183 Under 35 U.S.C. §102(b)

Claims 144-160, 172-173 and 178-183 have been rejected under 35 U.S.C. §102(b) "as being anticipated by EP 125023-A (Cabilly *et al,* November 1984). Specifically, the Examiner asserts that "for the purposes of comparing the claims to the prior art, the claims are interpreted as comprising any antigen binding portion (of any length) that contains *any* one amino acid sequence of the aforementioned sequences."

Although Applicants respectfully disagree with the Examiner's interpretation of the claims, the claims have been amended to recite that the antibody or antigen binding portion thereof bind to prostate specific membrane antigen (PSMA). Cabilly et al. does not teach or suggest an antibody or antigen binding portion thereof that binds to PSMA. Thus, Cabilly et al. does not teach or suggest every element of the claims, and therefore, does not anticipate the claimed invention.

The Examiner also rejected claims 144-173 and 178-183 under 35 U.S.C. §102(b) "as being anticipated by WO 91/07493 (Better *et al.,* May 1991)."

As stated above, the claims, as amended, recite that the antibody or antigen-binding portion thereof binds to PSMA. Better et al. does not teach or suggest an antibody or antigen binding portion thereof that binds to PSMA. Thus, Better et al. does not teach or suggest every element of the claims, and therefore, does not anticipate the claimed invention.

For the reasons discussed above, Applicants respectfully request that the Examiner withdraw this rejection.

Obviousness Type Double Patenting Rejection

Claims 144-158, 172-173 and 178-183 "are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22, of U.S. Patent No. 6,107,090.

A terminal disclaimer is being filed herewith, thereby obviating this rejection.

Please apply the fee for a three-month extension of time and any other charges or credits to deposit account 06-1050 (referencing 10448/184009).

Respectfully submitted,

Date: 2/13/04

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